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U.S. Patent Application of Siegel and Lowenstein
Serial No.: 09/659,525 - Art Unit: 3611

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Patent Application of

Alan A. SIEGEL and Rod LOWENSTEIN

Serial No.: 09/659,525

Date Filed: September 12, 2000

For: Apparatus and Method for the Distribution of Consumer Product Information

Examiner: Cassandra Hope Davis

Art Unit: 3611

Our Docket No.: P-5

Mail Stop Non-Fee Amendment

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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SIR:

In response to the final Office Action dated December 16, 2003, applicants respectfully request that said Office Action be reconsidered and withdrawn.

The undersigned attorney for applicant has conducted a number of telephone conferences with Examiner Cassandra Hope Davis to discuss the outstanding rejections and the applied art. The Examiner's time and courtesies during such conferences is appreciated.

In the Office Action claims 1, 3, 6-9, 11, 14, 15, 18, 21 and 22 have been rejected while claims 6, 7, 14 and 21 have been indicated as being allowable. In making the rejection of the claims the Examiner has indicated that the claims were fully anticipated by U.S. Patent 5,217,056 to Ritter. The primary distinction between the rejected independent claims and the allowable claims is that the rejected claims recite an optical memory while the allowable claims recite an optical disc or CD-ROM. However, since Ritter is for neither such memory Ritter was not the basis for making that distinction, and this was discussed with Examiner Davis who agreed and indicated that she would withdraw the Office Action. Accordingly, the

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Examiner is respectfully requested to withdraw the December 16, 2003 Office Action so that applicant has a full opportunity to properly prosecute the application on the basis of an appropriate office action.

As soon as a new office action is issued and a new date for response is set applicant will submit a full or complete response to any rejections, if any.

Applicant hereby petitions that any and all extensions of time of the term necessary to render this response timely be granted. COSTS FOR SUCH EXTENSION(S) AND/OR ANY OTHER FEE DUE WITH THIS FEE DUE WITH THIS PAPER THAT ARE NOT FULLY COVERED BY AN ENCLOSED CHECK MAY BE CHARGED TO DEPOSIT ACCOUNT #10-0100.

Date: March 16, 2004

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MG/as

Certificate of Deposit by Mail

I hereby certify that this correspondence is being filed by depositing same in an envelope stamped first-class mail, addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, in a duly marked U.S. Postal Service drop box, with appropriate postage, on the following date:

Myron Greenspan

Name

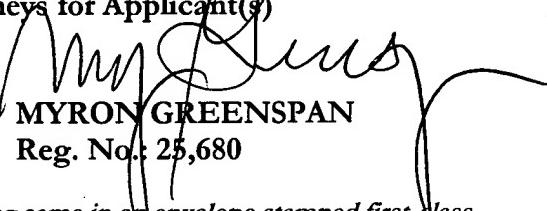
Signature

March 16, 2004

Respectfully submitted,

LACKENBACH SIEGEL LLP
Attorneys for Applicant(s)

By:


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